

Attorney Docket No. 2002B141/2

REMARKS**RECEIVED
CENTRAL FAX CENTER****APR 13 2007****Status of the Claims**

Claims 1 -29 and 31-35 are pending in the present application. Claim 30 has been cancelled. Claims 1, 31, and 32 are amended herein. Support for the amendments is found in the specification as filed at, *inter alia*, paragraph [0026].

In the Final Office Action dated November 13, 2006, claims 1-29 and 31-35 were rejected. A response to the Final Office Action was filed February 2, 2007, and, in an Advisory Action mailed February 28, 2007, the Examiner indicated that the response was entered, but did not place the application in condition for allowance. Applicants respectfully request continued examination and reconsideration of the pending claims based upon the amendments and remarks contained herein.

Rejections under 35 USC §102(b)

The only remaining claim rejections in the case are the rejection of claims 1-29 and 31-35 as allegedly anticipated by WO 00/01766 ("Datta") under §102(b). In the Final Office Action dated November 13, 2006, the Examiner alleged that "the third copolymer [of Datta], designated as SPC2, has propylene sequences that are effective for co-crystallization... Since the polymers are otherwise identically disclosed by the reference, characterization as a compatibilizer or any other designation is not necessary [to lend] patentability to the claims." (Final Office Action at page 4.) Further, in the Advisory Action mailed February 28, 2007, the Examiner stated that Datta describes the SPC2 as having "stereoregular propylene sequences long enough to crystallize' which infers a state lacking crystallization." (Advisory Action at page 2.) Applicants respectfully disagree with the Examiner's reasoning and reading of the Datta reference.

The currently pending claims describe a hetero phase polymer composition having three components: (a) a propylene component present as the continuous phase of the composition; (b) a modifier component being a dispersed phase in the composition; and (c) a compatibilizer component having a $\Delta H_f < 45$ J/g and having propylene sequences co-crystallizable with the propylene component of (a). Datta also discloses three components,

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FPC, SPC, and SPC2. A review of the Datta disclosure shows that, while many differences exist, the components disclosed therein correspond to the presently claimed compositions as follows: FPC of Datta is roughly analogous to component (a) of the present invention; SPC of Datta is roughly analogous to component (c) of the present invention (see Datta's description of the morphology of the blend of FPC and SPC at page 24, lines 7-22); and SPC2 of Datta is roughly analogous to component (b) of the present invention (see Datta's description of the modifying effect of SPC2 on the morphology of the blend at page 26, lines 9-14). While maintaining that the presently pending claims differ from Datta for many reasons, any of which are sufficient to impart patentability, Applicants focus herein on the distinctions between the modifier component of the present claims and the SPC2 of Datta.

The currently amended claims specify that the modifier component either: (1) has from 0 to 10% propylene crystallinity, as further described in the specification at paragraph [0026], (see independent claims 1, 31, and 32); or (2) is substantially free of propylene crystallinity (see independent claim 14). In contrast, the SPC2 of Datta is significantly more crystalline than the modifier component of the present claims. For example, although Datta does describe the SPC2 as having "stereoregular propylene sequences long enough to crystallize," as stated by the Examiner, Datta also states that the SPC2 is "substantially crystalline in the undeformed state." (Datta at page 6, lines 20-21.) Thus, the SPC2 does not, as inferred by the Examiner, lack crystallization. Datta further describes the SPC2 as having crystallinity between that of the FPC and SPC, namely "preferably, according to one embodiment, from 20% to 65%, and more preferably between 25% to 65% (*sic*) of the crystallinity of homoisotactic polypropylene." (See Datta at page 17, lines 18-22.) Datta clearly does not contemplate that the SPC2 would have from 0 to 10% propylene crystallinity, as claimed herein, much less that it would be substantially free of propylene crystallinity.

Accordingly, Applicants respectfully submit that Datta does not anticipate the presently pending claims. Specifically, Datta does not teach, disclose, or suggest a polymer composition having a propylene component, a modifier component having from 0 to 10% propylene crystallinity (or substantially free of propylene crystallinity), and a compatibilizer component. Applicants therefore respectfully request reconsideration of the rejections under §102(b) and allowance of the presently pending claims.

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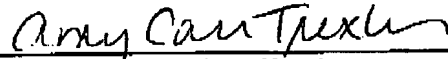
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CENTRAL FAX CENTER****APR 13 2007****Conclusion**

Applicants believe that all outstanding issues have been addressed by the foregoing amendments and remarks, and respectfully solicit a notice of allowance. Applicants invite the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

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Date



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